

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOHN LOGHRY,)	7:04CV5017
)	
Plaintiff,)	
)	
v.)	MEMORANDUM
)	AND ORDER
STEVE FRANCISCO and)	
STARSEARCH INTERNATIONAL,)	
LLC,)	
)	
Defendants.)	

This matter is before the court upon Plaintiff's motion to substitute Philip M. Kelly, the Chapter 7 bankruptcy trustee in the matter of John Loghry and Robyn Loghry, as the party plaintiff (filing 49) and upon defendant Franciso's motion to reconsider that portion of the court's June 29, 2005 order regarding judicial estoppel (filing 46). Upon due consideration,

IT IS ORDERED:

1. The motion in filing 49 to substitute Philip M. Kelly, Chapter 7 Bankruptcy Trustee in the Matter of John Loghry and Robyn Loghry, as party plaintiff (filing 49) is granted. Plaintiff shall, within 10 days of the date of this order, file a Second Amended Complaint which substitutes the bankruptcy trustee as a party;
2. The motion to reconsider (filing 46) is denied;

3. Defendants shall have 10 days from the filing of the Second Amended Complaint to file an answer or other responsive pleading.

July 22, 2005

BY THE COURT:

s/Richard G. Kopf

United States District Judge